

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARANDA A. GAMETT,

Case No. 2:18-cv-01000-MMD-WGC

Plaintiff.

ANDREW SAUL, Acting Commissioner of
Social Security,

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE WILLIAM G. COBB

Defendant.

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 28) (“R&R” or “Recommendation”) as to Plaintiff Maranda A. Gamett’s motion to remand (ECF No. 15), and the Acting Commissioner’s cross-motion to affirm (ECF No. 20). The parties had until February 24, 2020 to object to the R&R. No objections to the R&R have been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” *Id.* Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“[D]e novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that a court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

1 Nevertheless, the Court finds it appropriate to engage in a *de novo* review to
2 determine whether to adopt Judge Cobb's Recommendation. Judge Cobb recommends
3 denying Plaintiff's motion to remand and granting the Acting Commissioner's cross-
4 motion to affirm because he "found that the ALJ erred only in failing to specifically reject
5 and provide an explanation for rejecting Dr. Bailey's opinion that Plaintiff is limited to
6 one- and two-step instructions; however, that error is harmless because one of the jobs
7 identified by the VE and adopted by the ALJ at step five accounts for such a limitation,
8 and is available in significant numbers in the national economy." (ECF No. 28 at 28.)
9 "Otherwise, the ALJ set forth legally sufficient reasons for discrediting the opinions of Dr.
10 Ho, as well as Plaintiff's subjective symptom statements and the lay witness statement of
11 Plaintiff's mother." (*Id.*) Upon reviewing the Recommendation, this Court finds good
12 cause to adopt Judge Cobb's R&R in full.

13 It is therefore ordered, adjudged, and decreed that the Report and
14 Recommendation of Magistrate Judge William G. Cobb (ECF No. 28) is accepted and
15 adopted in its entirety.

16 It is further ordered that Plaintiff's motion to remand (ECF No. 15) is denied.

17 It is further ordered that the Acting Commissioner's cross-motion to affirm (ECF
18 No. 20) is granted.

19 The Clerk of Court is directed to enter judgment accordingly and close this case.

20 DATED THIS 25th day of February 2020.

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE